### STATE OF VERMONT

#### HUMAN SERVICES BOARD

In re	)	Fair	Hearing	No.	18,790
	)				
Appeal of	)				
	)				

# INTRODUCTION

The petitioner appeals a decision by the Department of Prevention, Assistance, Transition and Health Access (PATH) terminating his eligibility for the Vermont Health Assistance Program (VHAP) based on excess income.

# FINDINGS OF FACT

- 1. The petitioner is a single person who has been enrolled in the VHAP medical insurance program since February 7, 2003. In July of 2003 he paid a six month premium which was to cover him through December of 2003. The petitioner has health insurance available to him through his employer but he did not elect to take it because he was a recipient of VHAP.
- 2. The petitioner reported to PATH that he had gross income of \$1,785.86 in September of 2003. After a \$90 employment expense deduction, PATH determined that the amount was in excess of program maximums and notified the petitioner on October 14, 2003 that his VHAP benefits would end on November 1, 2003.

- 3. The petitioner earns a base income of \$1,544 per month from his employment and often has overtime amounting to \$140 or more per month.
- 4. PATH has agreed to reimburse the portion of his premium which covered the months of November and December of 2003.

### ORDER

The decision of PATH terminating the petitioner's VHAP is affirmed.

# REASONS

The VHAP program is only available to individuals who have "countable income under the applicable income test."

VHAP 4001.8. Countable income is figured by subjecting the individual's gross income to available deductions. VHAP 4001.81. The only deduction for which the petitioner is eligible is the \$90 "standard employment expense deduction." 4001.81(e). The petitioner's countable income for VHAP purposes at the time his benefits were closed was \$1,695.86 (\$1,785.86 minus \$90). The maximum countable income for a single individual without dependents in the VHAP program is \$1,123 per month. P-2420B. PATH was correct in determining that the petitioner's income was in excess of program maximums and that his eligibility should cease. It appears that the

petitioner's income has continued to be well-above program maximums in the months since the closure. As PATH has acted in accord with its regulations, the Board is bound to uphold the result. 3 V.S.A. § 3091(d), Fair Hearing Rule 17.

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